

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Dyshoun Chester**

Case No.: 18-35417

Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: _____

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney SJG

Initial Debtor: DC

Initial Co-Debtor _____

Part 1: Payment and Length of Plan

- a. The debtor shall pay 300.00 Monthly* to the Chapter 13 Trustee, starting on January 1, 2019 for approximately 60 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
Description:
Proposed date for completion: _____
- ☐ Refinance of real property:
Description:
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☒ Other information that may be important relating to the payment and length of plan:
\$300 per month for 4 months, then \$500 per month for 20 months, then \$849 per month for 36 months

Part 2: Adequate Protection

☒ NONE

- a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scott J. Goldstein 016472004	Attorney Fees	3,200.00
MTA Bridges & Tunnels	Taxes and certain other debts	451.00
NJ E-Z Pass	Taxes and certain other debts	2,571.45
NY State Thruway Auth	Taxes and certain other debts	105.00
NYC Department of Finance	Taxes and certain other debts	363.47
Port Authority of NY and NJ	Taxes and certain other debts	98.00
State of NJ	Taxes and certain other debts	34.00
Township of Irvington	Taxes and certain other debts	189.24
Township of Irvington - Municipal Court	Taxes and certain other debts	389.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor

Westlake Financial Services

Quicken Loans, Inc. - as modified per agreement approved by the Court dated April 9, 2019.

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ **NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$____ to be distributed *pro rata*
- ☒ Not less than 60.00 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).** ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☒ **NONE**

NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. **Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☒ **NONE**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:						
Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured	

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims including attorneys fees
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
The Plan is being modified because the debtor's mortgage was modified	The plan is being amended to remove the cure of the mortgage and to

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

- ☐ NONE
☒ Explain here:

*This plan is a step plan or has lumpsum payments as follows: \$300.00 per month for 4 months, then \$500.00 per month for 20 months, then \$849.00 per month for 36 months

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>December 20, 2018</u>	<u>/s/ Dyshoun Chester</u> Dyshoun Chester Debtor
Date: _____	_____ Joint Debtor
Date: <u>December 20, 2018</u>	<u>/s/ Scott J. Goldstein</u> Scott J. Goldstein 016472004 Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Dyshoun Chester
 Debtor

Case No. 18-35417-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 50

Date Rcvd: May 14, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 16, 2019.

db
 517947745 +Dyshoun Chester, 17 McAllister Place, Irvington, NJ 07111-3938
 517947746 +Aes/pheaa Rehabs, Attn: Bankruptcy Dept, Po Box 2461, Harrisburg, PA 17105-2461
 517947747 Aldous & Associates, PO Box 171374, Salt Lake City, UT 84117-1374
 517947748 +Alliance One, 6565 Kimball Drive, Suite 200, Gig Harbor, WA 98335-1206
 518006332 Alltran Financial, LP, PO Box 4043, Concord, CA 94524-4043
 517947749 +American Education Services, PO BOX 8183, HARRISBURG, PA 17105-8183
 517947749 B&B Collections, PO Box 2137, Toms River, NJ 08754-2137
 517947750 Blink Fitness, 1006 US-46, Clifton, NJ 07013
 517947752 +Cash Advance NOW, PO Box 569, Hays, MT 59527-0569
 517947753 +Chase, Attn: Bankruptcy Dept, Po Box 15298, Wilmington, DE 19850-5298
 517947756 +Diversified Consultants, Inc., Dept 603, PO Box 4115, Concord, CA 94524-4115
 517947757 +Global Client Services, LLC, 4343 S 118th East Ave, Suite 220, Tulsa, OK 74146-4402
 517947758 +IC System, PO BOX 64437, Saint Paul, MN 55164-0437
 517947759 +Law Offices of Robert S. Gitmeid & Assoc, 11 Broadway #1677, New York, NY 10004-1303
 517947761 +Linebarger Goggan Blair & Sampson, 61 Broadway, Suite 2600, New York, NY 10006-2840
 517947762 +Loan Star Cash, PO Box 6562, Santa Rosa, CA 95406-0562
 517947763 MTA Bridges & Tunnels, Randall's Island, New York, NY 10035-0035
 517947764 +NBI Emergency Medical Associates, PO Box 5473, Parsippany, NJ 07054-6473
 517947767 +NJ E-Z Pass, 375 McCarter Highway (Route 21), Newark, NJ 07114-2563
 517947768 NY State Thruway Auth, Administrative HQ, 200 Southern Blvd, PO Box 189, Albany, NY 12201-0189
 517947769 +NYC Department of Finance, Correspondence Unit, One Centre Street, 22nd Floor, New York, NY 10007-1632
 517947770 NYC Dept of Finance, Parking Violations, Church Street Station, PO Box 3600, New York, NY 10008-3600
 517947765 New Jersey American Water, Box 371331, Pittsburgh, PA 15250-7331
 517947771 +OSLA/Dept of Ed, Attn: Bankruptcy, Po Box 18475, Oklahoma City, OK 73154-0475
 517947774 +PSE&G, 80 Park Plaza, PO Box 570, Newark, NJ 07101-0570
 517947772 Port Authority of NY and NJ, PO Box 15186, Albany, NY 12212-5186
 517947773 Professional Account Management LLC, PO Box 1520, Milwaukee, WI 53201-1520
 517947775 +Quicken Loans, 662 Woodward Avenue, Detroit, MI 48226-3433
 517947777 RTR Financial Services, Inc., PO Box 60640, Staten Island, NY 10306-0640
 517947778 State of NJ, Surcharge Violation System, PO Box 4850, Trenton, NJ 08650-4850
 517947779 +Township of Irvington, Office of the Tax Collector, 1 Civic Square, Room 101, Irvington, NJ 07111-2412
 517947780 +Township of Irvington - Municipal Court, 1 Civic Square, Irvington, NJ 07111-2412
 517947784 +Zwicker & Associates, 1105 Laurel Oak Road, Suite 136, Voorhees, NJ 08043-4312

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov May 15 2019 02:22:35 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 15 2019 02:22:29 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 517947751 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com May 15 2019 00:34:53 Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 517947754 +E-mail/Text: bk.notifications@jpmchase.com May 15 2019 02:22:12 Chase Auto Finance, Attn: Bankruptcy, Po Box 901076, Fort Worth, TX 76101-2076
 517957570 E-mail/Text: mrdiscen@discover.com May 15 2019 02:21:13 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 517947755 +E-mail/Text: mrdiscen@discover.com May 15 2019 02:21:13 Discover Financial, Po Box 3025, New Albany, OH 43054-3025
 518040346 E-mail/PDF: resurgentbknofications@resurgent.com May 15 2019 00:37:34 LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517947760 +E-mail/Text: bk@lendingclub.com May 15 2019 02:23:13 LendingClub, Attn: Bankruptcy, 71 Stevenson St, Ste 1000, San Francisco, CA 94105-2967
 517947766 +E-mail/Text: ebn@rwjhbh.org May 15 2019 02:23:08 Newark Beth Israel Medical Center, 201 Lyons Ave, Newark, NJ 07112-2094
 518008737 +E-mail/Text: bankruptcy@pseg.com May 15 2019 02:21:10 PSE&G, Attn: Bankruptcy Dept., PO Box 490, Cranford NJ 07016-0490
 517994028 +E-mail/Text: bankruptcyteam@quickenloans.com May 15 2019 02:22:59 Quicken Loans Inc., 635 Woodward Avenue, Detroit, MI 48226-3408
 517947776 +E-mail/Text: bkrpt@retrievalmasters.com May 15 2019 02:22:28 Retrieval Masters Creditors Bureau, 4 Westchester Plaza, Suite 110, Elmsford, NY 10523-1616
 517947781 +E-mail/Text: bankruptcydepartment@tsico.com May 15 2019 02:23:35 Transworld Systems, 5626 Frantz Road, Dublin, OH 43017-1559
 517947782 +E-mail/Text: wfmelectronicbankruptcy@verizonwireless.com May 15 2019 02:20:53 Verizon, Verizon Wireless Bk Admin, 500 Technology Dr Ste 550, Weldon Springs, MO 63304-2225
 518060719 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 15 2019 02:07:00 Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 518068048 +E-mail/Text: peritus@ebn.phinsolutions.com May 15 2019 02:24:01 Westlake - C/O Peritus Portfolio Services, P.O. Box 141419, Irving, TX 75014-1419

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 50

Date Rcvd: May 14, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517947783 +E-mail/Text: bankruptcynotice@westlakefinancial.com May 15 2019 02:22:30
Westlake Financial Services, Customer Care, Po Box 76809, Los Angeles, CA 90076-0809
TOTAL: 17

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 16, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 14, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Quicken Loans Inc. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Kevin Gordon McDonald on behalf of Creditor Quicken Loans Inc. kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Scott J. Goldstein on behalf of Debtor Dyshoun Chester sjg@sgoldsteinlaw.com,
cmecf.sgoldsteinlaw@gmail.com; notices@uprightlaw.com; G31979@notify.cincompass.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5